

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

SANDRA CARTER,	§	
	§	
Petitioner,	§	
	§	
V.	§	Civil Action No. 4:14-CV-354-Y
	§	
JODY R. UPTON, Warden,	§	
FMC-Carswell,	§	
	§	
Respondent.	§	

OPINION AND ORDER

Before the Court is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 filed by Petitioner, Sandra Carter, a federal prisoner confined in FMC-Carswell at the time filing, against Jody R. Upton, warden of FMC-Carswell, Respondent.

After having considered the pleadings and relief sought by Petitioner, the Court has concluded that the petition should be dismissed as moot.

I. Factual and Procedural History

By this action, Petitioner complains of the medical treatment she was receiving at FMC-Carswell for a foot injury and/or disease and seeks immediate, unconditional release from her incarceration to seek proper medical care and treatment to avoid amputation. (Pet. 1-3, ECF No. 1.)¹ Bureau of Prisons (BOP) records indicate that Petitioner is no longer in BOP custody. See U.S. Department of Justice, Federal Bureau of Prisons/Inmate Locator, *available at*

¹The pages of the petition are not paginated, therefore the pagination in the ECF header is followed.

<http://www.bop.gov>. Further, the copy of the May 22, 2014, Order and Notice of Deficiency sent by the clerk of Court to Petitioner at FMC-Carswell has been returned as "undeliverable." (ECF No. 5.) As of this date, Petitioner has not notified this Court of her current whereabouts.

II. Discussion

Because Davis has been released from confinement, this court can no longer provide her with the relief she seeks. *See Bailey v. Southerland*, 821 F.2d 277, 278-79 (5th Cir. 1987). Dismissal of this petition is therefore appropriate as moot. *See McRae v. Hogan*, 576 F.2d 615, 616-17 (5th Cir. 1978).

For the reasons discussed, the Court DISMISSES Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 as moot. A certificate of appealability is DENIED.

SIGNED June 11, 2014.


TERRY R. MEANS
UNITED STATES DISTRICT JUDGE